

**FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

CIVIL APPLICATION No.5923 of 2005.
IN
FIRST APPEAL St. No. 26082 of 2005.

Office Notes, Office
Memorandum of Coram
appearance, Court's
Orders & Directions
and Registrar's
Order.

Court or Judge's Order.

C.M. Lokesh for the Applicants.
S.G. Thorat for the Respondents.

CORAM: S.B.DESHMUKH, J.

DATED: 18.9.2006.

P.C.:-

Not on Board. Mentioned Taken on
Board.

1] Heard the learned Counsel for
the Parties.

2] Perused the order passed by
this Court on September 5th, 2006.
Both the learned Counsel agree that
an amount of Rs. 15000/- is
deposited in this Court under Section
173 of the Motor Vehicles Act, 1988.

However, it is mentioned in para no.2 of the Order that an amount of Rs.50,000/- is deposited. By the Speaking to Minutes, it is made clear that in para no.2 figure to be read is Rs. "15,000/-"and not "Rs.50,000/-". With this clarification Speaking to minutes Motion is partly allowed and disposed of.

3] In para no. 4 of the Order it is pointed out that by way of clarification it is observed that the Application is partly allowed in terms of prayer clause (a) subject to depositing entire decretal amount in the Trial Court within a period of 10 weeks. It is also clarified that in case of failure of deposit, stay granted shall stand vacated automatically.

4] The learned Counsel for the Applicant has pointed out that the Award is passed by the Tribunal, is

for Rs.30,000/-. The interest amount
of Rs. 25,000/- was deposited in the
Trial Court. In this Court an amount
of Rs. 15,000/- is deposited by way
of statutory deposit. Infact,
according to him, interest amount
than the amount awarded by the Trial
Court is deposited by the Applicant
in its totality. Therefore, now the
Applicant is not required to deposit
amount towards decree passed by the
Trial Court. The learned Counsel for
the Respondents admits this position.
In this view of the matter, para no.4
of the order passed by this Court
earlier stands deleted and in its
place it is ordered, as below:-

"In the result, Civil
Application is allowed in
terms of prayer clause (a)
till the disposal of the
Appeal. Registry is directed
to invest an amount of
Rs.15,000/-lying in this
Court, with any Nationalized
Bank, initially for a period

of seven years and in the
absence of any order from this
Court, the said amount shall
be invested for three years
every time. Civil Application
is accordingly allowed and
disposed of in the above
terms."

[S.B. DESHMUKH,J.]